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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/515,589	02/29/2000	Bruce W. Stelman	HELLO-05006	9820

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EXAMINER

BRINEY III, WALTER F

ART UNIT	PAPER NUMBER
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2644

DATE MAILED: 05/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/515,589

Applicant(s)

STELMAN, BRUCE W.

Examiner

Walter F Briney III

Art Unit

2644

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 February 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 7-22 and 24-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 7-20 and 24-27 is/are rejected.
- 7) ☒ Claim(s) 21 and 22 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 7-17, 20, and 24-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Deutsch et al. (US Patent 5,577,115) in view of Ryu (US Patent 5,400,397).

Claim 17 is limited to **a method of interfacing a telephony appliance to a telephone switching system**. Deutsch discloses an interface recognition unit that determines whether a telephone network is either ISDN (i.e. **digital**) or **analog** (abstract) (this is analogous to the limitation of **identifying a first communication protocol utilized by the telephone switching system**). Deutsch discloses an interface that configures itself according to the detected network, therefore, the interface's adaptation serves to **determine** if terminal devices (i.e. **telephony appliances**) will operate using digital or analog signals (i.e. **communicate voice as digital or analog signals**) (column 2, line 46-column 3, line 19). Deutsch discloses configuring an interface using an ISDN circuit (i.e. **activating a first signal path through an apparatus...**) when it is determined that the network is an ISDN network (i.e. **when the telephone system communicates voice signals as digital samples**) (column 3, line 56-column 4, line 12). Deutsch discloses, as part of his ISDN circuit (i.e.

the first signal path includes...), a CODEC that converts digital ISDN signals to analog (i.e. **a converter for converting the digital samples into an analog signal**) (column 4, lines 13-44). Deutsch discloses configuring an interface using an analog circuit (i.e. **activating a second signal path ...**) when it is determined that the network is an analog network (i.e. **when the telephone system communicates voice signals in an analog format**) (column 2, line 47-column 3, line 19). The analog signal path includes analog circuitry (i.e. **the second signal path includes analog signal processing circuits**) (column 4, lines 45-65). Deutsch provides a flexible arrangement for the connection of an analog phone to either ISDN or POTS networks, however, Deutsch does not allow for other types of phone terminals to be connected, such as 2-wire, 4-wire, and digital. Therefore, Deutsch anticipates all limitations of the claim with the exception of **identifying a second communication protocol utilized by the telephony appliance**. Ryu teaches that an automatic branch exchange (i.e. CPE) benefits from universal extension ports that allow 2-wire, 4-wire, and digital phone terminals to be connected to them. It allows greater user flexibility and the invention of Ryu also allows a doubling of CPE numbers (column 1, lines 5-68). It would have been obvious to one of ordinary skill in the art at the time of the invention to allow multiple types of phone terminals to be connected and identified by a branch exchange as taught by Ryu for the purpose of providing extended operability to the invention of Deutsch.

Claims 7, 8, 11, and 12 are essentially the same as claim 17 and are rejected for the same reasons.

Claim 20 is limited to **the method according to claim 17**, as covered by Deutsch in view of Ryu. Deutsch discloses measuring the power on each line (i.e. **measuring a first voltage supplied by the telephone switching system...**) with a power test circuit and microprocessor (i.e. **to a resistive load**) (figure 2, elements 41 and 42) (column 5, line 9-column 6, line 10). Therefore, Deutsch in view of Ryu makes obvious all limitations of the claim.

Claim 23 is limited to **the method according to claim 17**, as covered by Deutsch in view of Ryu. Deutsch discloses identifying the network the customer premises equipment is connected to (i.e. **identifying a communication protocol utilized by the telephone switching system**) (abstract). Therefore, Deutsch in view of Ryu makes obvious all limitations of the claim.

Claim 24 is limited to **the method according to claim 23**, as covered by Deutsch in view of Ryu. Deutsch discloses a switch hook relay that detects when a device is on/off-hook (i.e. **detecting an on-hook/off-hook condition of the telephony appliance**) (column 4, lines 47-52). Therefore, Deutsch in view of Ryu makes obvious all limitations of the claim.

Claim 14 is essentially the same as claim 24 and is rejected for the same reasons.

Claim 25 is limited to **the method according to claim 24**, as covered by Deutsch in view of Ryu. Deutsch discloses providing hook status signals to the network (i.e. **providing an indication of the on-hook/off-hook condition of the telephony appliance to the telephone switching system...**) when in the analog mode (i.e. **in**

accordance with the identified protocol) (column 4, lines 47-52). Providing hook status signals to a network includes a transition from **an on-hook condition to an off-hook condition**. Therefore, Deutsch in view of Ryu makes obvious all limitations of the claim.

Claim 15 is essentially the same as claim 25 and is rejected for the same reasons.

Claim 26 is limited to **the method according to claim 24**, as covered by Deutsch in view of Ryu. Deutsch discloses providing hook status signals to the network (i.e. **providing an indication of the on-hook/off-hook condition of the telephony appliance to the telephone switching system...**) when in the analog mode (i.e. **in accordance with the identified protocol**) (column 4, lines 47-52). Providing hook status signals to a network includes a transition from **an off-hook condition to an on-hook condition**. Therefore, Deutsch in view of Ryu makes obvious all limitations of the claim.

Claim 16 is essentially the same as claim 26 and is rejected for the same reasons.

Claim 10 is rejected for the same reasons applied in both claims 25 and 26 together.

Claim 9 is limited to **the method according to claim 7**, as covered by Deutsch in view of Ryu. Deutsch discloses connecting terminal devices to a telephone network, thus providing communication for all telephone signals (i.e. **wherein the signal path is utilized for communicating voice and control signals between the telephony**

appliance and the telephone switching system) (column 2, line 47-column 3, line 19). Therefore, Deutsch in view of Ryu makes obvious all limitations of the claim.

Claim 13 is essentially the same as claim 9 and is rejected for the same reasons.

Claim 27 is essentially the same as claim 17, as covered by Deutsch in view of Ryu, with the further limitation of **translating a communication according to the communication protocol of the switching system and further according to the communication protocol of the telephony appliance**. Deutsch discloses a CODEC (figure 1b, element 20) that **translates** digital ISDN signals (i.e. **according translating a communication according to the protocol of the switching system...**) into analog signals used by terminal devices (i.e. **and the telephony appliance**) (figure 1b, elements 22 and 27) (column 4, lines 13-44). Therefore, Deutsch in view of Ryu makes obvious all limitations of the claim.

Claims 18 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Deutsch in view of Ryu and further in view of Gutzmer (US Patent 5,555,300).

Claim 19 is limited to **the method according to claim 17**, as covered by Deutsch in view of Ryu. Deutsch discloses detecting an analog network and connecting the appropriate power lines to support the analog network (i.e. **adapting the second signal path according to requirements of the telephone switching system**). Therefore, Deutsch in view of Ryu makes obvious all limitations of the claim with the exception of **adjusting an amplification level**. Gutzmer teaches to adapt the microphone amplification level of a telephone based on the detection of a telephone dial tone (i.e. **according to a level of a dial tone provided by the telephone switching**

system) thus providing a voice signal with maximum signal strength and minimum distortion (column 2, lines 14-39). It would have been obvious to one of ordinary skill in the art at the time of the invention to adjust the amplification level of the handset microphone of Deutsch in view of Ryu by the method as taught by Gutzmer for providing a voice signal with maximum strength and minimum distortion.

Claim 18 is rejected for the same reasons as claim 19.

Allowable Subject Matter

Claims 21 and 22 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim 21 is limited to **the method according to claim 20**, as covered by Deutsch in view of Ryu. As explained in claim 20, Deutsch discloses measuring the power on each line with a power test circuit and microprocessor, but does not vary the power test conditions to include unloaded conditions. Therefore, Deutsch in view of Ryu makes obvious all limitations of the claim with the exception of **measuring a second voltage supplied by the telephone switching system under unloaded conditions**. Therefore, claim 20 is allowable.

Claim 22 is allowable because it is dependent on claim 21.

Response to Arguments

The applicant's amendment, filed 17 February 2004, has sufficiently overcome the 35 U.S.C. 112 second paragraph rejections, filed 29 January 2004, with respect to claims 17-22 and 24-26.

Applicant's arguments with respect to claims 7-22 and 24-27 have been considered but are moot in view of the new ground(s) of rejection.

With respect to claims 7, 11, 17, and 27, the claimed invention now distinguishes that communication protocols are established for both the telephony network and switching system. This narrows the claim such that Deutsch alone does not disclose all limitations of the claim. In particular, Deutsch discloses a customer premise equipment (CPE) (figures 1A, 1B) that detects the type of network (figure 1a, element 15) the CPE is connected to (figure 1A, elements 39, 14) (figure 3). Therefore, Deutsch discloses **determining a second communication protocol utilized by the telephone switching system**. Deutsch also discloses that the CPE is configured according to the network type (figure 3, elements 205, 207, 210). However, Deutsch does not disclose **identifying a first protocol**, different than the second protocol, **used by a telephony appliance**.

The new limitation necessitates the new grounds of rejection. In particular, the limitation, wherein means are supplied for **identifying a first communication protocol utilized by the telephony appliance**, is unpatentable over Deutsch in view of Ryu as applied to the rejections of claims 7, 11, 17, and 27.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies

(i.e., **Deutsch does not interface devices by merely monitoring their communications**) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Claims 1-6 and 23 have been cancelled.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

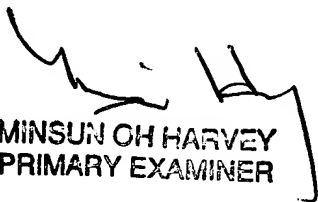
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Walter F Briney III whose telephone number is 703-305-0347. The examiner can normally be reached on M-F 8am - 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Forester W Isen can be reached on 703-305-4386. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4700.

WFB
4/23/04



MINSUN OH HARVEY
PRIMARY EXAMINER